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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,437	01/09/2002	Susumu Yamaguchi	02860.0701	5276

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EXAMINER
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AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/040,437

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Yogesh K. Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 8-17, 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda (US Patent # 6,122,009) in view of Ikeda (US Patent # 5,783,815).

[Claim 1]

Ueda teaches an image pickup device (figures 2-7) attached on a base board (figure 6, element 1) comprising an image pickup element (figures 4 and 5, holder 2) provided on the base board (1) and including a photoelectrically converting section (figure 5, element 12) in which pixels are arranged (col. 7 lines 14-18, See figure 18, element 211 pixels). Ueda teaches in figure 5, a peripheral surface formed around the photoelectrically converting section 12 and leg portion 11 and a side surface adjoining the peripheral surface is being read as the area surrounding the leg portion 10.

Ueda further teaches an optical member (figure 6, lens portion 10) including a lens section (4) to form an image of an object onto the photoelectrically converting section of the

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image pickup element, a leg section (11) to support the lens section (figure 8 clearly shows a leg portion 11 supporting the lens portion 4) and a contact surface shown as 11A to be brought in contact with the image pickup element, wherein the lens section, the leg section and the contact surface are made in a single body (col. 8 lines 4-23, See figure 8); and wherein the optical member (10) mounted on the image pickup element (2) such that the contact surface brought in contact with the peripheral surface (See figure 5).

Ueda fails to teach wherein a plurality of contact surfaces are arranged on a ring-shaped zone in contact with contact portions located on the peripheral surface between an edge of the peripheral surface and an edge of the photo-electrically converting section.

However Ikeda teaches a base board (figure 7a, printed circuit board 1) having an image sensing element (3) with a lens fitting member 25 fitting in the lens 7 (col. 7 lines 1-19). Ikeda further teaches recesses 23, 23 and projections 24, 24 (plurality of contact surfaces) formed on the outer surface of the front of the cylindrical part 26 of the lens fitting member 25 into the engagement grooves 22 so as fit the projections 24, 24 into the locating recesses 23, 23 will fit the lens 7 into the PCB 1 with an adhesive (col. 7 lines 20-29, figures 7-9). It is noted that the contact portions (23, 23 and 24, 24) are arranged in a ring-shape zone in contact with contact portions located on a peripheral surface between an edge of the peripheral surface and an edge of the photo-electrically converting section (3).

Therefore taking the combined teachings of Ueda and Ikeda, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a plurality of contact surfaces are arranged on a ring-shaped zone in contact with contact portions located on the peripheral surface between an edge of the peripheral surface and an edge of the photo-electrically

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converting section in order to easily assemble the lens into the PCB and can prevent dust and moisture from staining the image sensing element as taught in Ikeda (col. 7 lines 31-40).

[Claim 2]

Ueda teaches a connection wires 5 and 13A to connect the image pickup element 2 to the substrate 1 (figure 6) and is formed on the peripheral surface formed around the photoelectrically converting section 12 and leg portion 11 and the contact surface 11A is brought in contact with the peripheral surface between the terminal 13A and the photoelectrically converting section 12 (col. 7 lines 44-54, figures 5 and 6).

[Claim 3]

Figure 5 disclose the CCD bare chip 12 formed in the center of the image pickup element 2.

[Claim 4]

Figure 6 disclose the image processing circuits 13 and 14 provided in an inner portion of the image pickup element 2 and inside of the peripheral surface formed around the photoelectrically converting section 12 and leg portion 11 (col. 7 lines 27-32).

[Claim 8]

Ueda teaches a first diaphragm comprising a hole 3 that functions as a fixed iris of the lens section 4 (col. 7 lines 22-26, figure 6) which reads on a diaphragm regulating an F-number of the lens section and a second diaphragm comprising a housing of the holder 2 is a package 2A located at the object side positioned from the first diaphragm and to regulate a peripheral light flux (col. 7 lines 20-22).

[Claim 9]

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Ueda teaches a lens section 102 comprising a first diaphragm (the convex lens shown in figure 1 on the object side) to regulate the F-number of the lens section and is a positive single lens having a surface with a curvature stronger at an image side (col. 1 lines 25-32).

[Claims 10 and 11]

Ueda teaches two lenses a convex (positive) and concave (negative) that forms the lens section (figure 1).

[Claim 12]

Ueda teaches the lens section 102 has a lens 104 focus lens (the convex lens shown in figure 1 on the image side) located closest to the image side is a positive lens and a first diaphragm (the convex lens 103 shown in figure 1 on the object side) that functions as an iris adjusting mechanism of the lens section which reads on a diaphragm regulating an F-number of the lens section arranged at the object side positioned from the lens located closest to the image side (col. 1 lines 25-32).

[Claim 13]

Ueda teaches that the position of each of the at least two lenses as shown in figure 1 (convex and concave) in a direction perpendicular to the optical axis is set by the lens frame shown (broadly read as engaging surfaces) of the at least two lenses parallel to the optical axis in the lens section.

[Claim 14]

Ueda teaches an image pickup device (figures 2-7) provided on a base board (figure 6, element 1) comprising an image pickup element (figures 4 and 5, holder 2) provided on the base board (1) and including a photoelectrically converting section (figure 5, element 12) in which pixels are arranged (col. 7 lines 14-18, See figure 18, element 211 pixels). Ueda teaches in figure 5, a

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peripheral surface formed around the photoelectrically converting section 12 and leg portion 11 and a side surface crossing the peripheral surface is being read as the area surrounding the leg portion 10.

Ueda further teaches an optical member (figure 6, lens portion 10) including a lens section (4) to form an image of an object onto the photoelectrically converting section of the image pickup element, a leg section (11) to support the lens section (figure 8 clearly shows a leg portion 11 supporting the lens portion 4) and a contact surface shown as 11A to be brought in contact with the image pickup element, wherein the lens section, the leg section and the contact surface are made in a single body (col. 8 lines 4-23, See figure 8). Ueda also teaches a holder (2a) to hold the lens frame (4). It would be inherent that a position between the lens section 4 and the photoelectrical device 12 in the optical axis direction will be determined by bringing the contact surface in contact with the peripheral surface. Ueda discloses protrusions 232 formed on the substrate 1 that restrict the mounting position of the image forming lens 4 in the perpendicular direction of the optical axis (col. 28 lines 3-9, figure 55).

Ueda fails to teach wherein a plurality of contact surfaces are arranged on a ring-shaped zone in contact with contact portions located on the peripheral surface between an edge of the peripheral surface and an edge of the photo-electrically converting section.

However Ikeda teaches a base board (figure 7a, printed circuit board 1) having an image sensing element (3) with a lens fitting member 25 fitting in the lens 7 (col. 7 lines 1-19). Ikeda further teaches recesses 23, 23 and projections 24, 24 (plurality of contact surfaces) formed on the outer surface of the front of the cylindrical part 26 of the lens fitting member 25 into the engagement grooves 22 so as fit the projections 24, 24 into the locating recesses 23, 23 will fit

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the lens 7 into the PCB 1 with an adhesive (col. 7 lines 20-29, figures 7-9). It is noted that the contact portions (23, 23 and 24, 24) are arranged in a ring-shape zone in contact with contact portions located on a peripheral surface between an edge of the peripheral surface and an edge of the photo-electrically converting section (3).

Therefore taking the combined teachings of Ueda and Ikeda, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a plurality of contact surfaces are arranged on a ring-shaped zone in contact with contact portions located on the peripheral surface between an edge of the peripheral surface and an edge of the photo-electrically converting section in order to easily assemble the lens into the PCB and can prevent dust and moisture from staining the image sensing element as taught in Ikeda (col. 7 lines 31-40).

[Claim 21]

Figures 35a-e discloses that the optical member 10 is inserted into the lens frame from the object side.

[Claims 15-17, 22-27]

See claims 2-4, 8-13.

4. Claims 5-7, 18-20, 28, 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda (US Patent # 6,122,009), Ikeda (US Patent # 5,783,815) and further in view of Toyoda et al. (US Patent # 2001/0012073).

[Claims 5 and 18]

Ueda in view of Ikeda teach the recited limitations of claims 1 and 14 but fails to teach “an elastic member to press the optical member toward the image pickup element with an elastic force in an optical axis direction”. However Toyoda et al. teaches an elastic member 110 (figure



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8) for absorbing the play of the holder (Paragraph 0003). It would be inherent that the elastic member 110 would press the optical member toward the image pickup element with an elastic force in an optical axis direction.

Therefore taking the combined teachings of Ueda, Ikeda and Toyoda, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an elastic member taught by Toyoda in between the holder and optical member of Ueda in order to absorb the play of the holder.

[Claims 6 and 19]

Toyoda teaches a cover member 105 attached to the lens frame 101 at the object side positioned from the lens section and to press the lens section, wherein the cover member includes a part 102 capable of transmitting light (Paragraphs 0003 and 0004, figure 8).

[Claims 7 and 20]

Toyoda teaches an infrared ray cut filter 103 (Paragraph 3, figure 8).

[Claims 28 and 37]

Ueda teaches an image pickup device (figures 2-7) comprising on a base board (figure 6, element 1) comprising an image pickup element (figures 4 and 5, holder 2) provided on the base board (1) and including a photoelectrically converting section (figure 5, element 12); Ueda further teaches an optical member (figure 6, lens portion 10) including a lens section (4) to form an image of an object onto the photoelectrically converting section of the image pickup element, a leg section (11) to support the lens section (figure 8 clearly shows a leg portion 11 supporting the lens portion 4). Ueda also teaches a holder (2a) to hold the lens frame (4).

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Ueda fails to teach wherein a plurality of contact surfaces are arranged on a ring-shaped zone in contact with contact portions located on the peripheral surface between an edge of the peripheral surface and an edge of the photo-electrically converting section.

However Ikeda teaches a base board (figure 7a, printed circuit board 1) having an image sensing element (3) with a lens fitting member 25 fitting in the lens 7 (col. 7 lines 1-19). Ikeda further teaches recesses 23, 23 and projections 24, 24 (plurality of contact surfaces) formed on the outer surface of the front of the cylindrical part 26 of the lens fitting member 25 into the engagement grooves 22 so as fit the projections 24, 24 into the locating recesses 23, 23 will fit the lens 7 into the PCB 1 with an adhesive (col. 7 lines 20-29, figures 7-9). It is noted that the contact portions (23, 23 and 24, 24) are arranged in a ring-shape zone in contact with contact portions located on a peripheral surface between an edge of the peripheral surface and an edge of the photo-electrically converting section (3).

Therefore taking the combined teachings of Ueda and Ikeda, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a plurality of contact surfaces are arranged on a ring-shaped zone in contact with contact portions located on the peripheral surface between an edge of the peripheral surface and an edge of the photo-electrically converting section in order to easily assemble the lens into the PCB and can prevent dust and moisture from staining the image sensing element as taught in Ikeda (col. 7 lines 31-40).

Ueda in view of Ikeda fails to teach "an elastic member to press the optical member toward the image pickup element with an elastic force". However Toyoda et al. teaches an elastic member 110 (figure 8) for absorbing the play of the holder (Paragraph 0003). It would be

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inherent that the elastic member 110 would press the optical member toward the image pickup element with an elastic force.

Therefore taking the combined teachings of Ueda, Ikeda and Toyoda, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an elastic member taught by Toyoda in between the holder and optical member of Ueda in order to absorb the play of the holder.

[Claim 30]

Ueda teaches a lens frame (4) fixed to the base board (1, See figure 6). Toyoda teaches a cover member 105 attached to the lens frame 101 at the object side positioned from the lens section and to press the elastic member 110, wherein the cover member includes a part 102 capable of transmitting light (Paragraphs 0003 and 0004, figure 8).

[Claims 31, 35, 36]

Toyoda clearly discloses that the elastic member 110 is constructed as a separate body from the optical member 101 and the cover member 105 (figure 8). Ueda, Ikeda and Toyoda fail to teach an elastic member to be constructed in a single body with the cover member or an optical member. However Official Notice is taken of the fact that it is common to have an elastic member to be constructed in a single body with the cover member or an optical member in order to simplify the overall construction by having lesser number of parts. Therefore taking the combined teachings of Ueda, Ikeda, Toyoda and Official Notice it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an elastic member to be constructed in a single body with the cover member or an optical member in order to simplify the overall construction by having lesser number of parts.

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[Claim 32]

Ueda, Ikeda and Toyoda fail to teach whether the elastic member is a coil spring. However Official Notice is taken of the fact that it is notoriously common to have an elastic member made of coil spring in order to easily vary the force applied on the optical member by varying the diameter of the spring. Therefore taking the combined teachings of Ueda, Ikeda, Toyoda and Official Notice it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an elastic member made of coil spring in order to easily vary the force applied on the optical member by varying the diameter of the spring.

[Claims 33-34]

Ueda, Ikeda and Toyoda fail to teach whether the elastic member is a sheet shaped member having a central portion with a light shielding capacity and to regulate the F-number of the lens section. However Official Notice is taken of the fact that it is notoriously common to have an elastic member made of a sheet shaped member like a rubber or plastic having a central portion with a light shielding capacity and to regulate the F-number of the lens section in order to reduce the overall cost because the cost of manufacturing is very low. Therefore taking the combined teachings of Ueda, Ikeda, Toyoda and Official Notice it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an elastic member made of a sheet shaped member having a central portion with a light shielding capacity and to regulate the F-number of the lens section because the cost of manufacturing is very low which reduces the overall cost of the apparatus.

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5. Claims 29 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda (US Patent # 6,122,009), Ikeda (US Patent # 5,783,815), Toyoda et al. (US Patent # 2001/0012073) and in further view of Basista et al. (US Patent # 4,451,124).

[Claims 29 and 38]

Ueda teaches an optical member (figure 6, lens portion 10) including a lens section (4), a leg section (11) to support the lens section (figure 8 clearly shows a leg portion 11 supporting the lens portion 4) and a contact surface shown as 11A to be brought in contact with the image pickup element on a condition that the image pickup element is positioned so as to face the lens section. Ueda, Ikeda in view of Toyoda fail to teach that the lens section is brought in contact with the image pickup element with a weight of 5 g to 500 g. However Basista et al. teaches a lens system having a weight of 264.8 grams that can be brought in contact with image pick up element of Ueda in order to have good imaging performance.

Therefore taking the combined teachings of Ueda, Ikeda, Toyoda and Basista it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a lens system having a weight of 5-500 grams that can be brought in contact with image pick up element in order to have good imaging performance.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA  
September 1, 2005



DAVID L. OMETZ  
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EXAMINER